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July 20, 2005

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 3742

Mail Stop Petition

Re:

Allowed U.S. Utility Patent Application

Application No. 10/617,804; Filed: July 14, 2003 For: Needle-Less Injector of Miniature Type

Inventors:

Zierenberg et al.

Our Ref:

0652,2060002/ALF/MJM

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Petition Fee Transmittal Form (PTO/SB/17p);
- 2. Credit Card Payment Form (PTO-2038) in the amount of \$400.00 to cover Petition fee;
- 3. Petition to Withdraw Terminal Disclaimer Under 37 C.F.R. § 1.182; and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLc.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents July 20, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Albert L. Ferro

Attorney for Applicants Registration No. 44,679

ALF/MJM/shr Enclosures

SKGF_422640.1

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Dalebout et al. Appl. No. 09/737,392

improper because claims 26-65 of the present divisional application are identical to claims 66-105 that were subject to a restriction requirement during prosecution of the parent application.

Because the double patenting rejection was improper, the Applicants respectfully request that the Terminal Disclaimer filed on February 22, 2005 be withdrawn.

This Petition is accompanied by our Credit Card Payment Form (PTO-2038) in payment of the petition fee set forth in 37 C.F.R. § 1.17(f). The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

Sterne, Kessler, Goldstein & Fox P.L.L.C.

Albert L. Ferro

Attorney for Applicants Registration No. 44,679

Date: JULY 20, 2005

1100 New York Avenue, NW Washington, DC 20005-3934

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In re application of:

Zierenberg et al.

Appl. No.: 10/617,804

Filed: July 14, 2003

For: Needle-Less Injector of Miniature

Type

Confirmation No.: 4166

Art Unit: 3742

Examiner: Thor S. Campbell

Atty. Docket: 0652.2060002/ALF/MJM

Petition to Withdraw Terminal Disclaimer under 37 C.F.R. § 1.182

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Mail Stop Petition

Sir:

The Petitioners request that the Terminal Disclaimer filed in the above-captioned application be withdrawn as unnecessary for the following reasons.

The Terminal Disclaimer filed on February 22, 2005 should be withdrawn because it was filed in response to an improper double patenting rejection. Under 35 U.S.C. § 121, a divisional application cannot be rejected over a patent that issued from the parent application when the divisional application was filed as a result of a restriction requirement. The present application is a divisional of U.S. Application Serial No. 09/797,001 ("the '001 application"), now issued as U.S. Patent No. 6,689,092 ("the '092 patent"). Claims 26-65 of the present application were presented by the Applicants as claims 66-105 during the prosecution of the '001 application. However, the Examiner refrained from entering the claims asserting that the method claims were drawn to a non-elected invention because the apparatus and method of use were indeendent and distinct inventions. During prosecution of the present application, the Examiner rejected claims

26-65 over the '092 patent for obviousness-type double patenting. The rejection was 07/21/2005 SZEWDIE1 00000003 10617804

01 FC:1462 400.00 OP



PTO/SB/17p (11-04)
Approved for use through 07/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office, U.S. Det actimate of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Under the Par

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

	Application Number	10/617,804		
	Filing Date	July 14, 2003		
	First Named Inventor	Bernd Zierenberg		
	Art Unit	3742		
	Examiner Name	Campbell, Thor S.		
	Attorney Docket Number	0652.2060002/ALF/MJM		

	Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed. This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.			
	Payment of Fees (small entity amounts are NOT available for the petition fees) The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0036 :			
	Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For petitions filed under: § 1.53(e) - to accord a filing date. § 1.57(a) - to accord a filing date. § 1.182 - for decision on a question not specifically provided for. § 1.182 - to suspend the rules. § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent. § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.			
	Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463 For petitions filed under: § 1.12 - for access to an assignment record. § 1.14 - for access to an application. § 1.17 - for filing by other than all the inventors or a person not the inventor. § 1.19 - for expungement of information. § 1.103(a) - to suspend action in an application. § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available. § 1.295 - for review of refusal to publish a statutory invention registration. § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued. § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent. § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings. § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings. § 5.12 - for changing the scope of a license. § 5.25 - for retroactive license.			
	Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464 For petitions filed under: § 1.19(g) - to request documents in a form other than that provided in this part. § 1.84 - for accepting color drawings or photographs. § 1.91 - for entry of a model or exhibit. § 1.102(d) - to make an application special. § 1.318(c) - to expressly abandon an application to avoid publication. § 1.313 - to withdraw an application from issue. § 1.314 - to defer issuance of a patent.			
	Ly 20, 2005 Date			
	Albert L. Ferro 44,679 Typed or printed name Registration No., if applicable			
-				

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.